

1 William M. Fitzgerald, Esq.
2 LAW OFFICE OF WILLIAM M. FITZGERALD
3 2nd Floor, Macaranas Building
4 Post Office Box 500909
5 Saipan MP 96950
6 Telephone: (670) 234-7241
7 Fax: (670) 234-7530

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9
10 Kathleen V. Fisher, Esq.
11 CALVO & CLARK, LLP
12 1st Floor, Macaranas Building
13 PMB 951 Box 10001
14 Saipan, MP 96950
15 Telephone: (670) 233-2045
16 Fax: (670) 233-2776

17 *Attorneys for Bank of Saipan, Inc., Defendant Intervenors*

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**IN THE UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS**

16 RANDALL T. FENNELL,

17 Plaintiff,

18 v.

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21 MATTHEW T. GREGORY, ET. AL.,

22 Defendant.

16 CIVIL CASE NO. CV 09-0019

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**DECLARATION OF KATHLEEN V.
FISHER IN SUPPORT OF *EX PARTE*
MOTION FOR AN ORDER
SHORTENING TIME OF HEARING
DATE ON THE BANK OF SAIPAN'S
(1) MOTION TO INTERVENE AND
(2) MOTION TO DISMISS, OR IN
THE ALTERNATIVE, TO STAY
PURSUANT TO LOCAL RULE
7.1.h.3(b)**

1 I, Kathleen V. Fisher, declare:

2 1. I am a partner at Calvo & Clark LLP, counsel for The Bank of Saipan, Inc.
3 (“Bank”). I make this declaration on personal knowledge and if called as a witness could and
4 would testify competently hereto.

5 2. On this day, the Bank filed: 1) a Motion to Intervene; and 2) a Proposed Motion
6 to Dismiss, or in the Alternative, to Stay and 3) a Request for Judicial Notice.

7 3. The Bank also filed concurrently herewith a Motion to Shorten Time for Hearing
8 on its Motion to Intervene and Proposed Motion to Dismiss or Stay.

9 4. In compliance with LR 7.1.h.3(b), I or my co-counsel, Mr. Fitzgerald, contacted
10 counsel for Plaintiff and Defendants to request that they agree to shorten time on the Bank’s
11 Motion to Intervene and Proposed Motion to Dismiss or Stay so that the Bank’s motions may be
12 heard on the currently scheduled hearing of September 10, 2009 at 9:00am on Defendants’
13 Motion to Dismiss. I called and left a message with our request on Defendant counsel, Mr.
14 Huesman’s, office phone in the afternoon. He has not yet returned my call. Further, Mr.
15 Fitzgerald spoke with Plaintiff’s counsel, Mr. Hanson, who indicated Plaintiff’s opposition to
16 both the Bank’s request to shorten time and to its Motion to Intervene.

17 I declare that the foregoing is true and correct under penalty of perjury under the laws
18 of the Commonwealth of the Northern Mariana Islands, and that this declaration was executed on
19 this 28th day of August, 2009 in Saipan, CNMI.

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21 /s/
22 KATHLEEN V. FISHER
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